IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2950 OF 2006
IN
WRIT PETITION NO.9485 OF 2003

Union of India through
Secretary, MOD, New Delhi
and others ... Applicants

versus

RB Durgam (Retd.UDC). ... Respondent

Mr.A.D.Kangoo with Mr.D.A.Dubey i/by Mr.G.C.Mishra for applicants.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 12th January 2007

PC :

1. A learned Bench of this Court had directed issue of notice on this Civil Application. The Civil Application was taken up for setting aside the order dated 13th July 2004 dismissing the petition for failure to remove office objections.

2. Today when the matter comes up the learned counsel seeks time to effect service on the respondent. We have perused the main petition.

We find that the petition is directed against the order passed in Review Application dated 28th May 2002. The learned Tribunal dismissed the review application on the ground that no cause has been shown for condoning the delay in preferring the review application. That review was preferred against the order dated 1st June 1998 of the learned Tribunal. Before the learned Tribunal applications were filed for hearing the three applications together. That was granted. The three applications were heard. In all the three applications the prayer was granted that the applicants be re-classified as UDCs with effect from 1st January 1947 and to pay them the difference of arrears of pay as per directions of Hon'ble Supreme Court in Civil Appeal No.4201 of 1985, dated 4th November 1987. The Tribunal noted that the question is covered by the above decision of Supreme Court. The Tribunal also directed that the relief be granted to the applicants in terms of the above judgement of Hon'ble Supreme Court.

3. After considering the matter, in our opinion, this would not be a fit case where the impugned order dismissing the petition ought to be set aside. We may also note that the petitioners

have placed on record a judgement of learned Division Bench of this Court in Writ Petition No.890 of 1979 dated 23rd July 1979. Considering the course of events, we can only reproduce the first sentence of that judgement which reads as under :-

> "This Petition shows how the administration of the Union of India is utterly wooden-headed, heartless and inconsiderate even though judgements after judgements are made against them in a claim which is identical in form and contents."

4. We are reproducing the same as the judgement of the Tribunal has merely granted the relief in terms of the judgement of Apex Court above referred. The respondents must have since retired. The cause shown also does not amount to sufficient cause considering there is considerable delay. It would be, therefore, not appropriate for this Court in these facts and circumstances to consider any relief in favour of the applicants herein. Hence the application is rejected.

(R.V.MORE, J.) (F.I.REBELLO, J.)